

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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|---------------------------|---|---------------------|
| H-W TECHNOLOGY, L.C., |) | |
| |) | |
| Plaintiff, |) | |
| |) | CIVIL ACTION NO. |
| VS. |) | |
| |) | 3:11-CV-0651-G (BH) |
| AMAZON.COM, INC., ET AL., |) | |
| |) | |
| Defendants. |) | |

ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing all relevant matters of record in this case, including the findings, conclusions, and recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned district judge is of the opinion that the findings and conclusions of the magistrate judge on defendant Google Inc.'s motion to strike supplemental infringement contentions and corrected memorandum in support, filed February 10, 2012 (docket entry 311) are correct and they are accepted as the findings and conclusions of the court.

Accordingly, defendant Google Inc.'s motion to strike is **GRANTED** in part and **DENIED** in part. Plaintiff's infringement contentions regarding the accused instrumentality Nexus One, are **STRICKEN** from this case. With respect to the

remaining instrumentalities, *i.e.*, Nexus S 4G, Google Android Operating System, and Android Market Smartphone App., plaintiff should file amended infringement contentions complying with Misc. Order No. 62 within 30 days from the date of this order. The amended infringement contentions should identify each accused instrumentality as specifically as possible, and assert any alleged theories of infringement clearly and specifically. The amended infringement contentions should also include a claim chart covering each of the accused instrumentalities. If certain portions of the chart are applicable to more than one of the accused instrumentalities, the claim chart should clearly indicate as such. The claim chart should identify as specifically as possible (in terms of name, model, version, or manufacturer) the representative products being analyzed. Finally, the claim chart should identify specifically and in detail where each element of each asserted claim is found within each accused instrumentality, keeping in view the deficiencies pointed out in the findings, conclusions, and recommendations of the magistrate judge.

SO ORDERED.

August 27, 2012.



A. JOE FISH
Senior United States District Judge